



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



January 25, 2007

Bruce W. McClendon FAICP
Director of Planning

**CERTIFIED MAIL - RETURN RECEIPT
REQUESTED**

Ajim Baksh
4 Hillcrest Manor
Rolling Hills Estates, CA 90274

RE: **PROJECT NO: R2005-03784-(2)**
CASE NO: RCUP2005000248-(2)
10401 SOUTH VERMONT AVENUE, LOS ANGELES, CA

Dear Applicant:

The Regional Planning Commission, by its action of January 24, 2007, **DENIED** the above described conditional use permit.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant.

If no appeal is made during this 15-day period, the Regional Planning Commission action is final. Upon completion of the 15-day appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. It is advisable that you **make an appointment** with the case planner to assure that processing will be completed expeditiously. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP, Director of Planning

Mark Child, AICP
Supervising Regional Planner
Zoning Permits I Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: Board of Supervisors; Zoning Enforcement; Testifiers

MC:AN
Hearing Footage: September 13, 2006 T2B 001-448

PROJECT NUMBER R2005-03784-(2)
CONDITIONAL USE PERMIT NUMBER 200500248-(2)
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES

REGIONAL PLANNING COMMISSION HEARING DATES: September 13, 2006

SYNOPSIS:

The applicant, ACN Properties, is requesting a conditional use permit to authorize the construction, operation, and maintenance of a single-family residence on an undersized parcel located at 10401 South Vermont Avenue in the West Athens-Westmont Zoned District.

PROCEEDINGS BEFORE THE COMMISSION:

September 13, 2006 Public Hearing

A duly noticed public hearing was held before the Regional Planning Commission. Commissioners Valadez, Bellamy, Helsley, and Rew were present. Commissioner Modugno was absent. The applicant's representatives, Mr. Ajim Baksh and Mr. Skip Cypress were sworn in and answered questions posed by the Regional Planning Commission. One person, Mr. Lucio Rivera, testified in support of the project, stating that the reduced lot size would provide an opportunity to purchase a home at an affordable price. Two persons, Mr. Henry Porter, a representative of the Southwest Community Home Owners Association, and Mr. Ramanbhai Bhaksa, testified in opposition to the project. Comments in opposition included that the placement of a single-family residence at the corner of Vermont Avenue and 104th Street would create a poor quality of life for the occupant, that it was incompatible with the surrounding commercial strip along Vermont, and that it would create a negative precedent for the area.

The Commission's opinion was that the proposed project was inconsistent with the land use pattern and expected future commercial development along Vermont Avenue. The Commission noted that a single-family residential development on the undersized parcel was inappropriate at that location and that the C-3 zone should be preserved for commercial or mixed uses. There being no further testimony, the Regional Planning Commission closed the public hearing, indicated its intent to deny the Conditional Use Permit and directed staff to prepare findings for denial of the project.

Findings

1. The applicant is requesting a conditional use permit for the development of a single-family residence within a commercial zone on an undersized parcel.
2. The subject property is located at 10401 South Vermont Avenue, on the southwest corner of the intersection of Vermont Avenue and 104th Street, within the

unincorporated community of West Athens-Westmont, in the West Athens-Westmont Zoned District.

3. The subject property is 3,420 square feet or 0.08-acres in net size.
4. Vermont Avenue, to the east of the subject property, is a county designated major highway with 180 feet of right-of-way. 104th Street, located to the north of the property, is a local street with 50 feet of right-of-way.
5. The subject property is zoned C-3 (Unlimited Commercial).
6. The surrounding properties are zoned as follows:
North: C-3, R-2 (Two-Family Residence)
South: C-3, R-2
East: C-2-1VL (Commercial 2 – 45 foot height limit, City of Los Angeles), R1-1 (One Family, City of Los Angeles)
West: R-2
7. The subject property is currently fenced and is developed with a garden, a pay phone, and a 32 square foot (approximately 4' x 8') billboard.
8. Surrounding land uses within 500' include:
North: Single-family, duplex, and triplex residences, pharmacy, shipping business, commercial, mixed residential and commercial uses
South: Single-family, duplex, and triplex residences, commercial, churches
East: Single-family, duplex, and triplex residences, community garden, vacant property
West: Single-family, duplex, and triplex residences, motel
9. The following cases have been filed on the subject property:
 - Plot Plan No. 10131 was approved on April 13, 1960 for the construction of a 20-unit motel with 20 parking spaces. A 2,897 square foot retail building was proposed as part of the application, but was not approved as part of the request.
 - No zoning enforcement cases have been filed on the property.
10. The subject property is designated as "C.1" or Regional Commercial under the West Athens-Westmont Community Plan. Commercial areas are intended to permit a range of commercial services, including the traditional concepts of community, neighborhood, and highway oriented commercial.

11. The C-3 zone is consistent with the Regional Commercial land use designation of the West Athens-Westmont Community Plan. The C-3 zone allows residential development subject to discretionary review, public comment, and approval of a conditional use permit.
12. The following policies of the West Athens-Westmont Community Plan are applicable to the subject request:
 - To preserve and improve the residential character of the community (West Athens-Westmont Community Plan, Page 6 - Land Use Goal No. 1).
 - To provide a safe environment for residents (West Athens-Westmont Community Plan, Page 7 - Housing Goal No. 3).
 - Provide for new development which is compatible with and complements existing uses (West Athens-Westmont Community Plan, Page 7 - Housing Goal No. 5).

The subject request does not comply with the policies of the West Athens-Westmont Community Plan. The subject property is an undersized corner lot at the intersection of 104th Street and Vermont Avenue and is adjacent to an existing motel. The subject request will provide not improve the residential character of the community or provide a safe environment for the occupant, as it will provide an isolated single-family residence on a busy, commercially developed, county designated major highway.

13. The applicant's site plan, dated September 26, 2005, shows the proposed single-family residence with an attached two-car garage. The single-family residence would have a 950 square foot footprint and a height of 23 feet, 9 inches. Access for the garage will be via 104th Street. A 35 square foot porch will be located along Vermont Avenue and encroaches into the front yard setback for a single-family residence. A setback of 23 feet is shown along Vermont Avenue and a setback of 14 feet is shown on 104th Street. A 3 foot and 6 inch fence would border the property along 104th and Vermont Avenue.

According to Plot Plan No. 10131 and aerial photographs, a portion of the motel building along the west of the subject property encroaches on to the subject property by 3 feet and 7 inches. The site plan does not depict the encroachment of the motel.

14. The subject request for a single-family residence in the C-3 zone is reviewed under the development standards for the R-1 zone. Section 22.44.120 of the County Code identifies the standards in the West Athens-Westmont Community Standards District. The site plan conforms to the requirements for height and yard maintenance.

15. The project must also comply with the development standards of the C-3 zone. Applicable development standards include building area, landscaping, and parking. The site shows that the proposed single-family residence will cover 985 square feet, or 28.5% of the 3,420 square foot subject property. Approximately 2,000 square feet of the property will be landscaped. Two covered parking spaces are shown in an attached garage. The garage will be accessed via 104th Street and is 14 feet from the property line. The site plan conforms to the requirements for building area and landscaping and for parking. The subject request does not meet American Disability Act standards which require that garages be placed a minimum of 20 feet from the property line.
16. For development standards that are not addressed in the West Athens-Westmont Community Standards District, compliance with the R-1 Zone is required. Applicable development standards include Yards (22.20.120) and Yards, Highways and Lines (22.48.120-A and G).

The proposed project complies with the yard setback requirements. The site plan shows that the main structure has a front yard setback of 23 feet, reversed-corner side yard of 14 feet, interior corner side yard of 6 feet, and rear yard of 15 feet. The patio and patio roof project two feet and two and a half feet respectively, into the required front yard. The proposed project does not comply with the requirements for Yards, Highways, and Lines. Supporting columns for the porch roof are located within the required front yard. Roof eaves for the house and patio exceed eight feet in height and project into the rear and interior corner side yards.

17. Section 22.20.150: Premises in Zone R-1 shall provide the required area as specified in Part 2 of Chapter 22.52. According to Section 22.52.100-G, when a variance for lot area has been approved, the parcel shall be deemed to have the required area. Applicable requirements of Section 22.56.1756-B of the County Code are as follows:
 - The lot design, frontage, access and similar standards shall be consistent with applicable provisions contained in Title 21.
 - The adjusted lot configurations will be in accord with established neighborhood lot design patterns and will not violate any statute, ordinance, regulation or good planning practice.

The subject property is identified as a dashed line property on the Assessor's Map, indicating that the property was not subdivided in accordance with the Subdivision Map Act. A Conditional Certificate of Compliance has been completed for the subject property. It reiterates the requirement for approval through Director's Review for Lot Line Adjustments prior to any development. The subject property meets the access and frontage standards as required by Title 21.

Residential uses to the west of Vermont Avenue are situated on lots averaging 8,500 square feet, with the sizes ranging from 9,200 square feet to 4,500 square feet. The applicant proposes a single-family residence on the 3,420 square foot subject property, which is an undersized lot and is smaller than the prevailing lot size pattern. The subject property does not meet the 5,000 square foot lot area requirement and is not consistent with the lot pattern of the area.

18. The 500' land use map indicates that surrounding uses include residences, a church, retail uses, offices, and services. Existing residential and commercial mixed use developments are located on long, narrow lots along Vermont Avenue within unincorporated Los Angeles County. Single and two-story residential buildings are built at the rear of the lot, with parking access provided by an alley, buffered by single-story commercial buildings along Vermont Avenue. Clusters of residential development are located to the east of Vermont Avenue, within the City of Los Angeles, and are built with minimal setbacks along Vermont Avenue. The proposal to develop a single-family residence on the subject property is not consistent with the existing development pattern along Vermont Avenue.
19. The Commission has determined that a Categorical Exemption is the appropriate environmental documentation under California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) and State and County Guidelines related thereto. The project is within a class of projects which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15303 of the State CEQA Guidelines and Class 3 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
20. A total of 102 public hearing notices were mailed to property owners within 500 feet of the subject property on August 8, 2006 regarding the subject request. The notice was published in the Los Angeles Sentinel and La Opinion newspapers on August 10, 2006. Case-related material, including the hearing notice, factual and burden of proof were available on or before August 10, 2006 at the Woodcrest County Library, located at 1340 West 106th Street in Los Angeles. According to the applicant, the hearing notice has been posted on the property for 30 days prior to the public hearing.
21. One person spoke in favor of the request, citing that the reduced lot size would allow the opportunity to purchase a home at an affordable price.
22. Two persons spoke in opposition to the request at the public hearing, stating that the placement of a single-family residence at that location would create a poor quality of life for the occupant due to its location at the corner of Vermont Avenue and 104th Avenue, that it was incompatible with the surrounding commercial development, and that it would create a negative precedent for the area.
23. The Commission found that the subject request was inconsistent with the land use pattern along Vermont Avenue. The subject property is located on the west side

of Vermont Avenue, which consists of commercial development or commercial and residential mixed use development with the commercial uses developed along the street frontage. The subject property is bounded by a motel, a shipping and storage businesses, and a county designated major highway. No permanent residential uses are immediately adjacent to the subject property. Due to the uses immediately adjacent to the subject property and the size of the lot, the subject property is not suited for residential development.

24. The Commission found that a single-family residential development on the undersized parcel was inappropriate on the subject property as residential development at that location could be negatively impacted by future commercial development along Vermont Avenue and that the C-3 zone should be preserved for commercial or mixed uses.
25. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the applicant has failed to substantiate to the satisfaction of the Commission that the requested use will be consistent with the adopted general plan for the area, consisting of the West Athens-Westmont Community Plan and the Countywide General Plan;
- B. That the applicant has failed to substantiate to the satisfaction of the Commission that the requested use at the proposed location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is not adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code for the use as proposed, or as is otherwise required in order to integrate said use with the uses in the surrounding area;

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing does not substantiate the required findings and burden of proof for a conditional use permit as set forth in Sections 22.56.040 and 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 200500248-(2) is **DENIED**.

VOTE: 5-0-0

Concurring: Valadez, Bellamy, Helsley, Rew, Modugno

Dissenting: None

Abstaining: None

Absent: None

Action Date: 1/24/07

MC:AN
01/24/07

RPC MEETING DATE
September 13, 2006

AGENDA ITEM NO.
7

REGIONAL PLANNING COMMISSION TRANSMITTAL CHECKLIST

PROJECT NO: R2005-03784-(2)

CASE NO. Conditional Use Permit Case No. 2005000248-(2)

CONTACT PERSON: Adrienne Ng

- ☒ STAFF REPORT
- ☒ DRAFT CONDITIONS (If Recommended For Approval)
- ☐ DRAFT FINDINGS FOR DENIAL (If Land Division Case Recommended For Denial)
- ☒ BURDEN OF PROOF STATEMENT (Zoning or Plan Amendment Requests)
- ☐ ENVIRONMENTAL DOCUMENTATION
- ☒ THOMAS BROTHERS MAP (Identifying Subject Property)
- ☒ LAND USE RADIUS MAP
- ☒ SITE PLAN (or Tentative Map)
- ☒ PHOTOGRAPHS
- ☐ CORRESPONDENCE
- ☐ _____
- ☐ _____
- ☐ _____

Reviewed By: 



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2005-03784-(2)
CASE NO. RCUP200500248-(2)

RPC/HO MEETING DATE	CONTINUE TO
AGENDA ITEM	
PUBLIC HEARING DATE September 13, 2006	

APPLICANT ACN Properties, INC		OWNER ACN Properties, INC		REPRESENTATIVE Ajim Bakish	
REQUEST Conditional Use Permit: To authorize the construction of a single-family residence on an undersized-parcel in a commercial zone.					
LOCATION/ADDRESS 10401 South Vermont Avenue			ZONED DISTRICT West Athens-Westmont		
ACCESS 104 th Street and Vermont Avenue			COMMUNITY Florence-Firestone		
			EXISTING ZONING C-3 (Unlimited Commercial)		
SIZE .08 acres	EXISTING LAND USE Vacant		SHAPE Rectangular	TOPOGRAPHY Flat	
SURROUNDING LAND USES & ZONING North: Commercial, single and multi-family residences / C-3, R-2 (Two-Family) South: Single and multi-family residences, church / C-3, R-2			East: Single and multi-family residences, commercial, offices / City of Los Angeles West: Single and multi-family residences / R-2		
GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY		CONSISTENCY	
Countywide					
West Athens – Westmont Community Plan	Residential Commercial	See Staff Analysis		See Staff Analysis	
ENVIRONMENTAL STATUS Categorical Exemption – (Class 3 – New Construction of Small Structures)					
DESCRIPTION OF SITE PLAN The applicant's site plan shows the proposed two-story, 1,468 square-foot single family residence and attached 432 square-foot, two-car garage. The house will have a 950 square foot footprint and reach a height of 23 feet and 9 inches. The garage will be accessed from 104th Street. A 23-foot front yard is proposed along Vermont Avenue and a 14-foot side setback is proposed along 104th Street. A 6 foot fence is proposed along the south side of the property and a 3 foot 6 inch fence is proposed along the east and north sides of the property.					
KEY ISSUES ▪ Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements.					

(If more space is required, use opposite side)

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS*	PETITIONS	LETTERS
(O) (F)	(O) (F)	(O) (F)

*(O) = Opponents (F) = In Favor

Map taken from:
"The Thomas Guide, 2003 Edition"
Copyright 2002 by Thomas Bros. Maps
Profit No. A2005-03784-01
Case No. RCHP200500248-01

Subject _____
Property _____

STAFF ANALYSIS

PROJECT NUMBER R2005-03784-(2)

CONDITIONAL USE PERMIT NUMBER 200500248-(2)

PROJECT DESCRIPTION

The applicant, ACN Properties, is requesting a conditional use permit for the development of a single-family residence on an undersized parcel in the C-3 (Unlimited Commercial) Zone.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property is located at 10401 South Vermont Avenue, on the southwest corner of the intersection of Vermont Avenue and 104th Street, within the unincorporated community of West Athens-Westmont, in the West Athens-Westmont Zoned District.

Physical Features

The subject property is 3,420 square feet or 0.08-acres in size. A small garden, a pay phone, and a billboard are located on the subject property, otherwise the property is vacant. Vermont Avenue, to the east of the subject property, is a county designated major highway with 180 feet of right-of-way. 104th Street, located to the north of the property, is a local street with 50 feet of right-of-way.

ENTITLEMENT REQUESTED

Pursuant to Section 22.28.210 of the Los Angeles County Code, a conditional use permit is required for the construction of a single-family residence in the C-3 zone.

EXISTING ZONING

Subject Property

The subject property is zoned C-3 (Unlimited Commercial).

Surrounding Properties

Surrounding properties within 500' are zoned as follows:

North: C-3, R-2 (Two-Family Residence)
South: C-3, R-2
East: City of Los Angeles
West: R-2

EXISTING LAND USES

Subject Property

The subject property is currently fenced and is developed with a small garden, a pay phone, and a 32 square foot (approximately 4' x 8') billboard.

Surrounding Properties

Surrounding land uses within 500' include:

- North: Single-family, duplex, and triplex residences, pharmacy, shipping business, commercial, mixed residential and commercial uses
South: Single-family, duplex, and triplex residences, commercial, churches
East: Single-family, duplex, and triplex residences, community garden, vacant property
West: Single-family, duplex, and triplex residences, motel

PREVIOUS CASES/ZONING HISTORY

The following cases have been filed on the subject property:

- Plot Plan No. 10131 was approved on April 13, 1960 for the construction of a 20-unit motel with 20 parking spaces. A 2,897 square foot retail building was proposed as part of the application, but was not approved as part of the request.

No zoning enforcement cases have been filed on the property.

WEST ATHENS-WESTMONT COMMUNITY PLAN

Land Use Policy Map

The subject property is designated as "C.1" or Regional Commercial under the West Athens-Westmont Community Plan. Commercial areas are intended to permit a range of commercial services, including the traditional concepts of community, neighborhood, and highway oriented commercial. The inclusion of residential uses as a use subject to a conditional use permit in the C-3 zoning designation is an indication that this type of use is considered to be consistent Regional Commercial zone classification as well, subject to discretionary review and public comment.

Applicable West Athens-Westmont Community Plan Land Use Policies

- a. To preserve and improve the residential character of the community (West Athens-Westmont Community Plan, Page 6 - Land Use Goal No. 1).
- b. To provide a safe environment for residents (West Athens-Westmont Community Plan, Page 7 - Housing Goal No. 3).
- c. Provide for new development which is compatible with and complements existing uses (West Athens-Westmont Community Plan, Page 7 - Housing Goal No. 5).

The subject property is an undersized corner lot at the intersection of 104th Street and Vermont Avenue, and is adjacent to an existing motel. The proposed project will provide little or no improvement to the residential character of the community nor provide a safe environment for its occupant, as it will provide an isolated single-family residence on a busy county designated major highway.

The 500' land use map indicates that surrounding uses include residences, a church, retail uses, offices, and services. Existing residential and commercial mixed use

developments are located on long, narrow lots along Vermont Avenue within unincorporated Los Angeles County. Single and two-story residential buildings are built at the rear of the lot, with parking access provided by an alley, buffered by single-story commercial buildings along Vermont Avenue. Clusters of residential development are located to the east of Vermont Avenue, within the City of Los Angeles, and are built with minimal setbacks along Vermont Avenue. The proposal to develop a single-family residence on the subject property does not follow the existing development pattern along Vermont Avenue.

Residential uses to the west of Vermont Avenue are situated on lots averaging about 8,500 square feet, with the sizes ranging from 9,200 square feet to 4,500 square feet. The applicant proposes a single-family residence on the 3,420 square foot subject property, which is an undersized parcel and is much less than the prevailing lot size pattern.

The proposed project would not be compatible with surrounding uses as the subject property is bounded by a motel, a shipping and storage businesses, and a county designated major highway. Due to the uses immediately adjacent to the subject property and the size of the lot, the subject property is not suited for residential development and may be better suited for commercial development.

SITE PLAN

The applicant's site plan, dated September 26, 2005, shows the proposed single-family residence with an attached two-car garage. The single-family residence will have a 950 square foot footprint and a height of 23 feet, 9 inches. Access for the garage will be via 104th Street. A 35 square foot porch will be located along Vermont Avenue and encroaches into the front yard setback for a single-family residence. A setback of 23 feet is shown along Vermont Avenue and a setback of 14 feet is shown on 104th Street. A 3 foot, 6 inch fence will border the property along 104th and Vermont Avenue.

According to the aerial photographs, a portion of the motel building along the west of the subject property encroaches on to the subject property by 3 feet, 7 inches. The site plan does not show the encroachment of the motel.

COMPLIANCE WITH APPLICABLE ZONING STANDARDS

West Athens-Westmont Community Standards District

Community-Wide Development Standards

Although the subject property is zoned C-3, the proposed project includes a single-family residence and is compared to the development standards for the R-1 zone. Section 22.44.120 of the County Code states the development standards for the R-1 zone under the West Athens-Westmont Community Standards District:

Height

Section 22.44.120-E.1.a: The maximum height permitted in Zone R-1 shall be 35 feet and two stories.

The site plan shows that the maximum height of the project is 23 feet, 9 inches. The site plan conforms to these requirements.

Maintenance

Section 22.44.120-E.1.b: Properties shall be neatly maintained and free of debris, overgrown weeds, junk, and garbage. A minimum of 50 percent of the front yard area shall be landscaped and maintained with grass, shrubs and/or trees.

The site plan indicates that the front yard shall be landscaped, with the exception of a walkway. The site plan conforms to the landscaping coverage requirement. These requirements shall be included in the conditions.

Compliance with Applicable Zoning Standards

C-3 Zone

Section 22.28.220 of the County Code states the development standards for the C-3 Zone. Applicable development standards include:

- A. Building Area and Landscaping. *That not to exceed 90 percent of the net area be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area.*

The site shows that the proposed single-family residence will cover 985 square feet or 28.5% of the 3,420 square foot subject property. Approximately 2,000 square feet of the property will be landscaped. The site plan conforms to these requirements.

- B. Parking. *Per Section 22.52.1100 of the County Code, two covered parking spaces shall be provided for each single-family residence.*

Two covered parking spaces are shown in an attached garage. The garage will be accessed via 104th Street and is 14 feet from the property line. The site plan conforms to this requirement. The proposed project does not meet American Disability Act standards which require that garages be placed a minimum of 20 feet from the property line.

R-1 Zone

Part 3 of Section 22.28. of the County Code states the development standards for the R-1 Zone. Applicable development standards include:

Yards

Section 22.20.120: Yard requirements shall be as follows: front yards- 20 feet, reversed-corner side yards – 10 feet, interior side yards – 5 feet, and rear yards – 15 feet.

The site plan shows a front yard setback of 23 feet, reversed-corner side yard of 14 feet, interior corner side yard of 6 feet, and rear yard of 15 feet. The site plan conforms to these requirements.

Projections in to Yards

Section 22.48.120-G: Stairways and balconies above the level of the first floor or exceed an average height of more than one foot may project a maximum distance of five feet in to a required yard.

Section 48.120-A: Eaves and cantilevered roofs may project a maximum distance of two and one-half feet into any required yard, provided:

- 1. That such eaves or cantilevered roofs are not closer than two and one-half feet to any lot or highway line; and*
- 2. That no portion of such eaves or cantilevered roofs are less than eight feet above grade; and*
- 3. That there are no vertical supports or members within the required yard.*

The site plan shows that the patio and patio roof project two feet and two and a half feet respectively, into the required front yard. Supporting columns for the porch roof are located within the required front yard. Roof eaves for the house and patio exceed eight feet in height and project into the rear and interior corner side yards. The site plan does not comply with these requirements. The applicant must revise the site plan to ensure compliance with this section.

Required Area

Section 22.20.150: Premises in Zone R-1 shall provide the required area as specified in Part 2 of Chapter 22.52. According to Section 22.52.100-G, the area of a parcel of land for which a variance for lot area has been approved pursuant to the provisions of Section 22.56.1756 of the County Code, Director's Review for Lot Line Adjustments, shall be deemed to have the required area. Applicable requirements of Section 22.56.1756-B of the County Code are as follows:

- 1. The lot design, frontage, access and similar standards shall be consistent with applicable provisions contained in Title 21.*
- 2. The parcels to be adjusted are eligible for unconditional certificates of compliance under the provisions of the Subdivision Map Act and this title. The adjusted parcel configurations will be in accord with established neighborhood lot design patterns and will not violate any statute, ordinance, regulation or good planning practice.*

The subject property is identified as a dashed line property, indicating that the property was not subdivided in accordance with the Subdivision Map Act. A Conditional Certificate of Compliance has been completed for the subject property which reiterates the requirement for Director's Review for Lot Line Adjustments prior to any

development. The subject property meets the access and frontage standards as required by Title 21. The subject property does not meet the 5,000 square foot lot area requirement. The following finding shall be required if the proposed project is approved:

- The subject property will be in accord with established neighborhood lot design patterns and will not violate any statute, ordinance, regulation or good planning practice.

Burden of Proof per Code

Pursuant to Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Commission, the following facts:

1. That the requested use at the location proposed will not:
 - A. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 - B. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or
 - C. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
2. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
3. That the proposed site is adequately served:
 - A. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; and
 - B. By other public or private service facilities as are required.

Staff is of the opinion that Statement 2 of the burden of proof has not been met due to issues regarding the size of the lot and compatibly with surrounding uses, as discussed previously in this report.

ENVIRONMENTAL DOCUMENTATION

Staff has determined that a Categorical Exemption is the appropriate environmental documentation under California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) and State and County Guidelines related thereto. The project is within a class of projects which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15303 of the State CEQA Guidelines and Class 3 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G. The project consists of a 1,900 square foot single-family residence on a vacant lot within an urbanized area.

FIELD INVESTIGATION

Staff visited the site on August 14, 2006. Staff found that the property was vacant and a pay phone and a double-sided billboard were located on the subject property. A portion of one building and the parking area from the neighboring motel encroached upon the subject property and that a portion of the property is used as a parking lot. Staff noted that the land use map did not indicate the residential and commercial mixed uses along the west side of Vermont Avenue. A shipping business is located directly to the north of the subject property, across from 104th Street. A majority of these lots had a commercial uses along Vermont Avenue and one or more residential units accessed by an alley to the west.

STATE AND COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The Department of Public Works has provided comments regarding traffic and street improvements. In their letter, dated April 4, 2006, Public Works recommended that a 13-foot radius return right-of-way dedication be made along Vermont Avenue and 104th Street, and that street trees, lighting, and curb repair be provided along the property frontage. This letter is attached to this report and is included as part of the draft conditions.

The Fire Department has provided requirements regarding fire hydrants and access. Their letter, dated February 24, 2006, is attached to this report and is included as part of the draft conditions.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

A total of 345 public hearing notices were mailed to property owners within 500 feet of the subject property on August 8, 2006 regarding the subject request. The notice was published in the Los Angeles Sentinel and La Opinion newspapers on August 10, 2006. Case-related material, including the hearing notice, factual and burden of proof were available on or before August 10, 2006 at the Woodcrest County Library, located at 1340 West 106th Street in Los Angeles. According to the applicant, the hearing notice has been posted on the property for 30 days prior to the public hearing.

PUBLIC COMMENTS

No comments have been received at the time of this report.

STAFF EVALUATION

The applicant is requesting a conditional use permit for the development of a single-family residence on an undersized parcel in a commercial zone. A Conditional Certificate of Compliance has been completed for the subject property, recognizing that the property had not been subdivided in accordance with the Subdivision Map Act and requiring a determination that the division of the subject property was in accord with established neighborhood lot design patterns and did not violate any statute, ordinance, regulation or good planning practice, prior to development.

Although the proposed single-family residence is in accordance with the development

standards for the C-3 and R-1 zones, the project may not be compatible with the surrounding uses and existing development pattern. The subject property is bounded by a motel to the west and south, a shipping business to the north, and Vermont Avenue, a county designated major highway, to the east. No residential uses are located immediately adjacent to the subject property.

Land use patterns along Vermont Avenue include residential and commercial mixed use development along the west side of Vermont Avenue and residential clusters, retail, and offices along the east side. Land use patterns along Vermont Avenue consist of properties developed with commercial uses along the street frontage and residential uses to the rear to the west. Clustered residential uses exist along Vermont Avenue to the east. The proposed project to develop a single-family residence along Vermont Avenue is not consistent with the land use pattern of the area.

STAFF RECOMMENDATIONS

Prior to making a decision on this case, Staff recommends the Planning Commission consider the facts, analysis and correspondence contained in this report along with the oral testimony and/or written comments received during the public hearing. Staff also recommends that the Regional Planning Commission consider if the proposed project will meet the following findings:

- The subject property will be in accordance with established neighborhood development in terms of size and design, and will not violate any statute, ordinance, regulation or good planning practice.
- The subject property is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features in order to integrate said use with the uses in the surrounding area.
- The proposed project will preserve and improve the residential character of the community.
- The proposed project will provide a safe environment for its residents.
- The proposed project is compatible with and complements existing uses.

If the Commission finds the request **does not** satisfy the conditional use permit burden of proof requirements and the applicable development standards and pertinent policies of the West-Athens-Westmont Community Plan, then staff recommends **Denial** of **Conditional Use Permit Number 200500248-(2)**.

SUGGESTED MOTION

"I MOVE THE PUBLIC HEARING BE CLOSED AND THAT THE REGIONAL PLANNING COMMISSION INDICATE ITS INTENT TO DENY CONDITIONAL USE PERMIT NUMBER 200500248-(2), AND INSTRUCT STAFF TO PREPARE FINDINGS FOR DENIAL."

However, if the Commission finds the applicant satisfies the conditional use permit burden of proof requirements for this request and that the subject property is adequate in size to support the proposed project, the proposed project will be compatible with the surrounding area and is consistent with the West-Athens-Westmont Community Plan, then Staff recommends **Approval of Conditional Use Permit Number 200500248-(2)**, subject to the attached draft conditions.

If approved, staff recommends that the project be inspected biennially (every other year) for twenty years for compliance with the final conditions of approval.

FEES/DEPOSITS

If approved, the following fees will apply unless modified by the Planning Commission.

Zoning Enforcement

- Cost recovery deposit of \$1,500.00 to cover the costs of the ten (10) recommended biennial zoning enforcement inspections for the case. Additional funds would be required if violations are found on the property.

SUGGESTED MOTION

"I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND INDICATE ITS INTENT TO APPROVE CONDITIONAL USE PERMIT NUMBER 200500248-(2) AND INSTRUCT STAFF TO PREPARE FINAL ENVIRONMENTAL DOCUMENTATION AND FINDINGS AND CONDITIONS FOR APPROVAL."

Attachments:

Applicant's Burden of Proof
Site Plan/Site Photos
Land Use Map

SD:AN

09/07/06

1. This grant authorizes the use of the subject property for the development and maintenance of a single-family residence as depicted on the approved Exhibit "A", subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 9.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested, in writing and with payment of the applicable fee, at least six months before the expiration date.

7. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,500**. These monies shall be placed in a performance fund that shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plans on file. The fund provides for **ten (10)** biennial zoning inspections of the site, on every year over the twenty year period. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.
11. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.

12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
14. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
15. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
16. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
17. For the life of this grant, the permittee shall maintain all landscaping in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.
18. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of a Exhibit "A", similar to that presented at the public hearing, that depicts all required or proposed project changes, including a) relocation of non permitted features within the front yard setback, including the two supports for the patio roof. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property' owner.
19. The permittee shall comply with all Public Works requirements provided in their correspondence dated April 4, 2006 or as otherwise modified by said Department.
20. The permittee shall comply with all Fire Department requirements provided in their correspondence dated February 24, 2006 or as otherwise modified by said Department.

21. The subject property shall be neatly maintained and kept free of debris, overgrown weeds, junk, and garbage. A minimum of 50 percent of the front yard area shall be landscaped and maintained with grass, shrubs and/or trees.
22. The permittee shall remove the existing billboard and public pay phone from the subject property prior to the issuance of the certificate of occupancy for the single-family residence.

Attachments:

Public Works Letter dated April 4, 2006

Fire Department Letter dated February 24, 2006

SD:AN

09/08/06



DONALD L. WOLFE, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

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P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: **LD-4**

April 4, 2006

TO: Russell Fricano
Zoning Permits Section I
Department of Regional Planning

FROM: Barry S. Wittler *Barry S. Wittler*
Transportation Planning and Subdivision Review Section
Land Development Division

CONDITIONAL USE PERMIT NO. R2005-03784

We have reviewed the subject Permit in the West Athens Westmont area in the vicinity of Vermont Avenue and 104th Street (10401 South Vermont Avenue). This Permit is for the construction of a single family dwelling with an attached two car garage.

If this Permit is approved, we recommend the following conditions:

1. Dedicate vehicular access rights on Vermont Avenue.
2. Dedicate right of way for a 13-foot radius return at the corner of Vermont Avenue and 104th street.
3. Reconstruct the walk returns at the intersection of Vermont Avenue and 104th Street to the satisfaction of Public Works.
4. Reconstruct the curb ramps at the corner of Vermont Avenue and 104th Street to the satisfaction of Public Works.
5. Repair any displaced, broken, or damaged curb, gutter, sidewalk, and pavement on Vermont Avenue and 104th Street along the property frontage to the satisfaction of Public Works.
6. Relocate utilities as necessary to construct sidewalk and driveway improvements to the satisfaction of Public Works.

7. Comply with the following street lighting requirements to the satisfaction of Public Works.
 - a. Provide street lights on concrete poles with underground wiring on Vermont Avenue and 104th Street along the property frontage. Street lighting plans must be approved by the Street Lighting Section. For additional information, please contact our Street Lighting Section at (626) 300-4726
 - b. Upon Conditional Use Permit approval, the applicant shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of \$12,000. The applicant shall comply with the conditions of acceptance listed below in order for the lighting district to pay for future operation and maintenance of street lights. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy.
 - c. All street lights in the project or approved project phase must be constructed according to Public Works approved plans. The contractor shall submit one complete set of "as-built" plans. Provided the above conditions are met, all street lights in the project or approved project phase have been energized, and the developer has requested a transfer of billing at least by January 1 of the previous year, the lighting district can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year. The transfer of billing could be delayed one or more years if the above conditions are not met.
8. Plant street trees on Vermont Avenue and 104th Street to the satisfaction of Public Works.

WH:ik

P:\LD\PUB\TRANS\CUPS\CUPR2005-03764 CONSTRUCTION OF SINGLE FAMILY DWELLING.

cc: Traffic and Lighting (Chow)



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

DATE: June 9, 2006

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2005-03784

LOCATION: 10401 S. Vermont Ave., L.A.

- ☐ The Fire Department has no additional requirements for this permit.
- ☐ The required fire flow for this development is ____ gallons per minute for _ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☐ Verify / Upgrade __ Public 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ **Comments:** Existing fire hydrant meets current FD requirements.
- ☐ **Location:** ____
- ☒ **Access:** Access is adequate as shown on site plan.
- ☐ **Special Requirements:** ____

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: Juan C. Padilla

Co.CUP 04/04

Land Development Unit ~ Fire Prevention Division ~ (323) 890-4243, Fax (323) 890-9783

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

We propose to build a SFR building consisting of 4 bedrooms and 3 baths for residential use only. This building will be done in a manner to keep consistent with the overall look and feel of the existing neighborhood. Once completed, this building will not only improve the existing property, but will also help add value to the neighborhood as a whole.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The lot size of this property is 3,415 sq. ft. and should be more than adequate to encompass not only the structure itself, but also the proper fencing and landscaping to beautify this property. This structure will also include an attached 2-car garage to ensure proper parking facilities.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

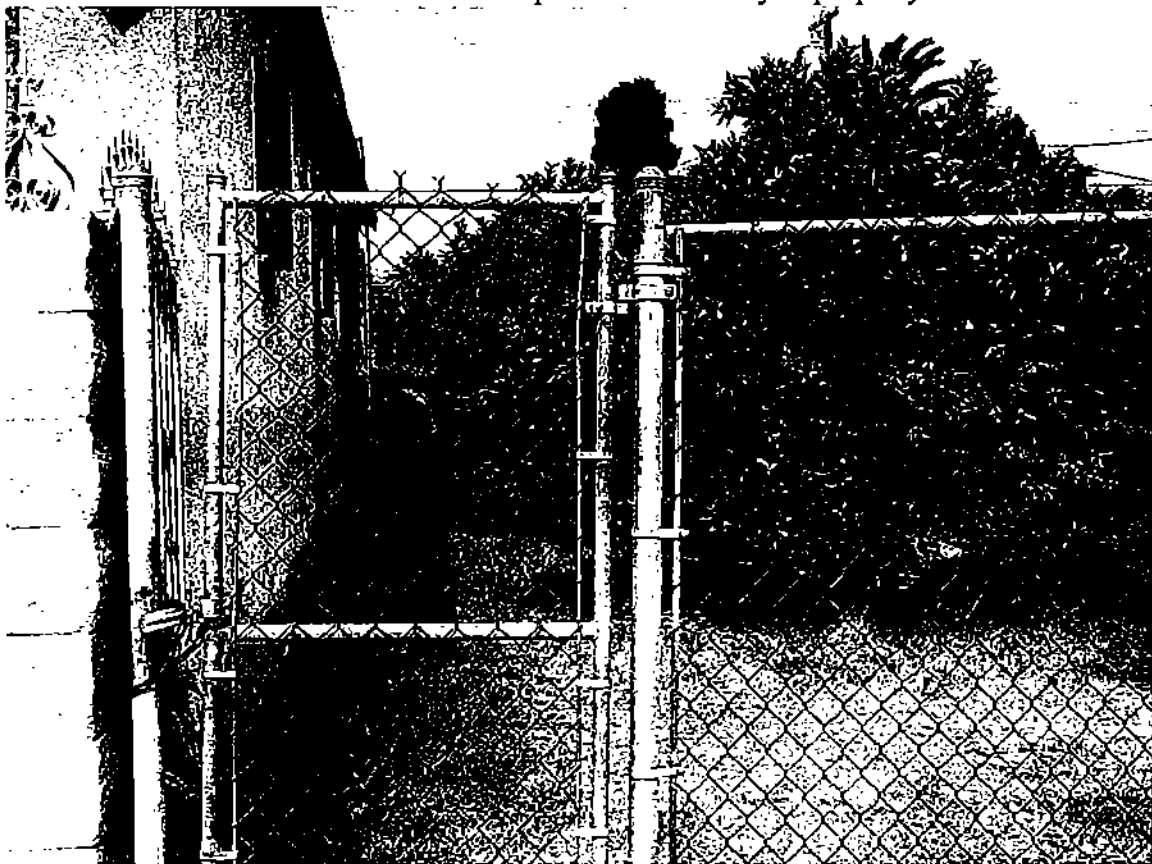
This property is a corner lot served by two streets (Vermont and 104th) which are both equally adequate to serve the amount of usage that will be generated from this building.



1. View of the subject property from Vermont Avenue.



2. View of the western portion of the subject property.



3. View of the western portion of the subject property.



4. View of properties along Vermont Avenue to the north of the subject property. Uses include a shipping business, glass and mirror sales, and a tax preparation office.



5. View of properties along Vermont Avenue to the south of the subject property. Uses include a motel, beauty supply store and church. .

